

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MORAN FOODS, LLC
d/b/a Save-A-Lot Ltd.,

Plaintiff,

v.

SUNSHINE STORES, LLC
and MUHAMMAD BABAR
CHAUDHRY,

Civil Action 2:24-cv-4080
Judge Algenon L. Marbley
Magistrate Judge Chelsey M. Vascura

Defendants.

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on February 24, 2025 and was attended by:

Michael W. Carwin, counsel for plaintiff Moran Foods, LLC,

Jonathan Hawkins, counsel for plaintiff Moran Foods, LLC,

Joseph Spoonster, counsel for defendants Sunshine Stores, LLC and Muhammad Babar Chaudhry.

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

Yes No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

Yes No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by March 10, 2025.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

Yes No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by _____.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by March 31, 2025.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by _____.

5. MOTIONS

- a. Are there any pending motion(s)?

Yes No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

Plaintiff Moran Foods, LLC filed a Motion for Preliminary Injunction (Dkt. No. 6) on October 18, 2024. Although Magistrate Judge Chelsey M. Vascura issued a Report and Recommendation (Dkt. No. 27) on November 13, 2024, the Court has yet to formally issue an order on this motion.

A Suggestion of Stay was filed (Dkt. No. 41) on February 17, 2025 regarding the imposition of Receivership over Sunshine Stores, LLC.

- b. Are the parties requesting expedited briefing on the pending motion(s)?

Yes No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint,

and indicate whether there is a jury demand:

This is an action for trademark infringement and unfair competition under the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a), deceptive trade practices under Ohio Revised Code § 4165.02, unfair competition and trademark infringement under Ohio common law. Plaintiff Moran Foods, LLC has requested a jury trial.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by December 30, 2025. The parties shall work together to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.
- b. Do the parties anticipate the production of ESI? X Yes _____ No

If yes, describe the protocol for such production:

The parties will stipulate to and submit an ESI protocol that addresses ESI disclosures.

- c. Do the parties intend to seek a protective order or clawback agreement? Yes.

If yes, such order or agreement shall be produced to the Court by March 15, 2025.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by January 31, 2026.
- b. Are the parties requesting expedited briefing on dispositive motions?

_____ Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by October 31, 2025.
- b. Rebuttal expert reports must be produced by November 21, 2025.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by December 30, 2025. Defendant will respond by January 21, 2026. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

January 2026

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

X Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place 3/4/2025 in chambers _____ by telephone.

_____ No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

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